

REMARKS

Entry of this amendment and reconsideration of this application, as amended, are respectfully requested.

Claim 56 and 59 were rejected under 35 U.S.C. §103(a) over Meagher. Applicants respectfully traverse.

The Examiner has failed to establish discuss the content of 0 to 2 g/l of nitrate in the claim, and thus has failed to establish a prima facie case of obviousness. It is noted that Meagher discusses nitrates in par. [033] but teaches that “[i]f the concentration of nitrate is too high, the danger of emissions of noxious oxides of nitrogen from the phosphating composition is increased, while if this concentration is too low, the rate of formation of the phosphate coating will usually be slower than desirable, and the corrosion-protective quality of the coating may be poor.” It is note that at the beginning of the aforementioned paragraph the accelerators, of which nitrate is mentioned as a possibility, is taught as optional. There is no indication to necessarily include accelerators, such as with the claimed presence of nitroguanidine. Thus, this rejection must be withdrawn on this basis alone.

Furthermore, the Examiner alleges that Ca and Mg are present from a hard water source, but, in fact, Meagher teaches that these are undesirable and a chelating agent should be added to remove them from solution, so that these would not be available in free ion form in the solution that is applied to the substrate. [par. 0035] Thus, there is no teaching that one should add Ca and Mg to the solution, as these should be chelated prevent sludge formation an/or to prevent them from becoming incorporated into the coating.

Thus, this rejection must be withdrawn.

Claims 35-54, 61, 63, 65 and 67 were rejected under 35 U.S.C. §103(a) over the combination of Meagher and Ishii. Applicants respectfully traverse.

Deficiencies of Meagher are described above. Additionally, Meagher fails to disclose a cold working step. Furthermore, Meagher fails to disclose the claimed amount of nitroguanidine. The Examiner alleges this would have been obvious, however, since Meagher's composition must contain cobalt, it is not readily apparent from the reference or from the Examiner how one would arrive at the amount of nitroguanidine simply by reading Meagher.

It is respectfully submitted that Ishii teaches away from the use of nitrogen-containing accelerators (see col. 2, lines 51-64, and specifically teaches away from the use of nitroguanidine (Col. 2, lines 18-24). The Examiner alleges that the teaching of nitroguanidine applies; however, the claims require nitroguanidine, which differs from nitroguanidine. Thus, this rejection must be withdrawn.

Ishii also teaches away from the use of chlorates because chloride can cause drastic declines in corrosion resistance of the metal (col. 1, line 65-Col. 2, lines 1-7), and also from the use of peroxide (Col. 2, lines 8-17).

In view of the foregoing, this rejection should be withdrawn.

Claims 55, 57 and 68-71 were rejected under 35 U.S.C. §103(a) over Ishii. Applicants respectfully traverse. The deficiencies of Ishii are discussed above, and are applicable here. Thus, this rejection must also be withdrawn.

Claims 35-42 and 46-57 were rejected under 35 U.S.C. §103(a) over Bartik-Himmeler in view of Ishii. As discussed above, Ishii teaches away from a broad range of components, at least some of which are specifically included in the formulations of Bartik-Himmeler, so this rejection must be withdrawn.

Claims 43-45 were rejected under 35 U.S.C. §103(a) over Bartik-Himmeler in view of Ishii and Meagher.

The deficiencies of the combination of Bartik-Himmler in view of Ishii are discussed above and are applicable here. Meagher does nothing to overcome these deficiencies. Thus, this rejection must be withdrawn.

Claims 35-46, 50-52 and 54-57 were provisionally rejected for obviousness-type double patenting over claims of copending US application 10/555,929. Applicants will address this issue after an indication of allowable subject matter, should the rejection remain.

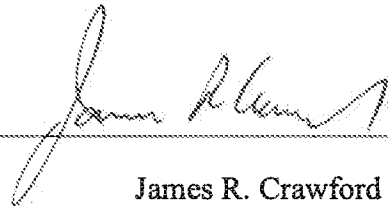
Claims 35-57 were provisionally rejected for obviousness-type double patenting over claims of co-pending application no. 10/467,850. Applicants respectfully submit that they will address this upon the indication of allowable subject matter, should the rejection remain.

In view of the foregoing, allowance is respectfully requested.

The Commissioner is hereby authorized to deduct any fee associated with this filing from Deposit Account No. 50-0624.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By 

James R. Crawford
Reg. No: 39,155

666 Fifth Avenue
New York, New York 10103
(212) 318-3148